

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RICHARD STRONG,

Plaintiff,

Case No. 1:23-cv-1022

v.

Honorable Ray Kent

UNKNOWN PART(Y)(IES) #1 et al.,

Defendants.

/

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff is presently incarcerated at the G. Robert Cotton Correctional Facility (JCF) in Jackson, Jackson County, Michigan, and the events giving rise to Plaintiff's action occurred at that facility. In his *pro se* complaint, Plaintiff alleges that Defendants violated his constitutional rights by mishandling a piece of mail addressed to Plaintiff that was sent by his retained attorney.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1331(b). The events underlying the complaint occurred in Jackson County. Defendants are public officials serving in Jackson County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Jackson County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: October 3, 2023

/s/ Ray Kent
Ray Kent
United States Magistrate Judge